



House of Representatives

File No. 683

General Assembly

February Session, 2014

(Reprint of File No. 527)

House Bill No. 5141
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 25, 2014

**AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION
OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR
USE OF A DIRT BIKE, SNOWMOBILE OR ALL-TERRAIN VEHICLE.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 14-390m of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

4 (a) Any municipality that adopts an ordinance pursuant to section
5 7-148 to regulate the operation and use on public property, including
6 hours of use, of dirt bikes may prescribe a penalty for violation of such
7 ordinance (1) in an amount not to exceed one thousand dollars for a
8 first violation, (2) in an amount not to exceed one thousand five
9 hundred dollars for a second violation, and (3) (A) in an amount not to
10 exceed two thousand dollars for a third or subsequent violation, or (B)
11 to provide for the seizure and forfeiture to the municipality of such
12 dirt bike for a third or subsequent violation, subject to any bona fide
13 lien, lease or security interest in the dirt bike, including, but not limited
14 to, a lien under section 14-66c.

15 (b) No dirt bike shall be forfeited under this section to the extent of
16 the interest of an owner or lienholder by reason of any act or omission
17 committed by another person if such owner or lienholder did not
18 know and could not have reasonably known that such dirt bike was
19 being used or was intended to be used in violation of a municipal
20 ordinance.

21 (c) Any dirt bike ordered forfeited pursuant to this section shall be
22 sold at public auction conducted by the chief executive officer of the
23 municipality. The proceeds of such sale shall be paid to the treasurer of
24 the municipality, who shall deposit such proceeds into the General
25 Fund.

26 (d) For the purposes of this section, "dirt bike" means a two-wheeled
27 motorized recreational vehicle designed to travel over unimproved
28 terrain and not designed for travel on a highway, as defined in section
29 14-1. "Dirt bike" does not include an all-terrain vehicle, as defined in
30 section 14-379, or a motor-driven cycle, as defined in section 14-1.

31 Sec. 2. Section 14-390 of the 2014 supplement to the general statutes
32 is repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2014*):

34 (a) Any municipality may, by ordinance, regulate the operation and
35 use, including hours and zones of use, of snowmobiles and all-terrain
36 vehicles in a manner not inconsistent with the provisions of sections
37 14-379 to 14-390, inclusive, or any regulations adopted pursuant
38 thereto, and may prescribe a penalty for violation of such ordinance (1)
39 in an amount not to exceed one thousand dollars for a first violation,
40 (2) in an amount not to exceed one thousand five hundred dollars for a
41 second violation, and (3) (A) in an amount not to exceed two thousand
42 dollars for a third or subsequent violation, or (B) to provide for the
43 seizure and forfeiture to the municipality of such snowmobile or all-
44 terrain vehicle for a third or subsequent violation, subject to any bona
45 fade lien, lease or security interest in the snowmobile or all-terrain
46 vehicle, including, but not limited to, a lien under section 14-66c.

47 (b) No snowmobile or all-terrain vehicle shall be forfeited under this
 48 section to the extent of the interest of an owner or lienholder by reason
 49 of any act or omission committed by another person if such owner or
 50 lienholder did not know and could not have reasonably known that
 51 such snowmobile or all-terrain vehicle was being used or was intended
 52 to be used in violation of a municipal ordinance.

53 (c) Any snowmobile or all-terrain vehicle ordered forfeited pursuant
 54 to this section shall be sold at public auction conducted by the chief
 55 executive officer of the municipality. The proceeds of such sale shall be
 56 paid to the treasurer of the municipality, who shall deposit such
 57 proceeds into the General Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	14-390m
Sec. 2	October 1, 2014	14-390

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
All Municipalities	Revenue Gain	Potential	Potential

Explanation

The bill allows municipalities to confiscate a dirt bike, ATV or snowmobile that is used in a third or subsequent violation of a municipal ordinance. The bill requires that any seized dirt bikes, ATVs or snowmobiles be sold at public auction, and allows the municipality to deposit the proceeds of the sale into its general fund.

There is a revenue gain associated with selling dirt bikes at public auctions. This revenue gain will vary based on the number of dirt bikes seized and sold, and how much money they are sold for.

House "A" strikes the underlying bill and results in the above identified fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5141 (as amended by House "A")******AN ACT CONCERNING THE MAXIMUM PENALTY FOR VIOLATION OF A MUNICIPAL ORDINANCE REGULATING THE OPERATION OR USE OF A DIRT BIKE, SNOWMOBILE OR ALL-TERRAIN VEHICLE.*****SUMMARY:**

This bill broadens the range of penalties a municipality may impose for multiple violations of certain motorized vehicle ordinances. It does so by authorizing municipalities with ordinances concerning (1) dirt bike operation and use on public property or (2) all-terrain vehicle (ATV) or snowmobile operation and use, to include in the ordinances a provision allowing the municipality to confiscate a dirt bike, ATV, or snowmobile used in a third or subsequent ordinance violation.

Under the bill, the confiscated item is forfeited, subject to any bona fide lien, lease, or security interest. But, the bill prohibits an owner or lienholder's interest from being forfeited due to someone else's act or omission if the owner or lienholder did not know, and could not have reasonably known, that the dirt bike, ATV, or snowmobile was being used, or was intended to be used, by another person in violation of a municipal ordinance.

The bill requires a municipality's chief executive officer to sell forfeited dirt bikes, ATVs, or snowmobiles at a public auction. Sale proceeds must be given to the municipal treasurer for deposit into the municipality's general fund.

Current law authorizes municipalities with ordinances on dirt bike, snowmobile, and ATV operation and use to set the penalty for violating such ordinances at no more than:

1. \$1,000 for the first violation,
2. \$1,500 for the second violation, and
3. \$2,000 for the third or subsequent violation.

*House Amendment "A" adds (1) conditions under which a dirt bike, ATV, or snowmobile is not subject to forfeiture and (2) that forfeited items must be sold at a public auction, with proceeds going into the municipality's general fund.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Change of Reference
Yea 15 Nay 0 (03/12/2014)

Judiciary Committee

Joint Favorable
Yea 39 Nay 1 (04/02/2014)